

## **Rule 375-5-3-.22 ~~Suspension or Revocation of~~ License Contributing Factors to the Suspension, Revocation, or Cancellation of Commercial Driver Training School and/or Instructor Licenses**

- ~~(1) The Department may suspend, revoke, or cancel the license of any commercial driver training school or any licensed instructor thereof for a violation of laws or rules pertaining to the operation of a commercial driver training school after ten (10) days written notice in advance of the time and date of a scheduled hearing at which time such driver training school or licensed instructor shall be allowed to show cause, if any cause there be, why such proposed action should not be taken.~~
- (12) Actions which may lead to the suspension, revocation or cancellation of a license, certificate or permit shall include but not be limited to the following:
- (a) Any conviction for a felony or any crime involving violence, dishonesty, deceit, fraud, indecency or moral turpitude.
  - (b) Knowingly presenting false or misleading information to the Department.
  - (c) Addiction or habitual use of alcohol, dangerous or narcotic drugs.
  - (d) The failure of any instructor to teach within the guidelines as prescribed in the rules and regulations or who demonstrates a lack of ability to instruct in a commercial driver training school.
  - (e) Failure or refusal to permit the Department to inspect a school, its class of instruction, records, vehicles, or any operation of facility pertaining to the school during normal business hours.
  - (f) Failure or refusal to submit to the Department any application for a license, certificate or permit in the manner prescribed by the Department.
  - (g) Failure or refusal to produce a license, certificate or permit on demand of a prospective student, the Department, or any constituted law enforcement official or agency.
  - (h) Failure to maintain proper standards of instruction, instructors, or equipment sufficient to operate a school.
  - (i) Employing an instructor, teacher or agent who is not licensed by the Department.
  - (j) Any change of ownership or controlling stockholders of a school without immediately notifying the Department.
  - (k) Whenever any owner, instructor, employee or agent has aided or assisted any person in obtaining a driver license by dishonest or fraudulent means.
  - (l) Whenever instructions to students are contrary to the restrictions imposed on the student's driver license.

- (m) For unauthorized possession of application forms, questionnaires, tests, or other materials used by the Department for the purpose of conducting driver examinations or issuing driver licenses.
  - (n) Whenever any owner, instructor, employee, or agent has issued a certificate of completion or signed a contract stating the number of classroom hours and/or behind the wheel hours when the student did not, in fact, receive the number of hours stated.
  - (o) Failure of a driver training school to maintain a telephone for the exclusive use of the school.
  - (p) If a person holds one or more license(s) as a driver training school owner and/or instructor and one is suspended, revoked, or canceled, this will be grounds in itself for all licenses issued to that person to be suspended, revoked, or canceled.
- (23) Any violation which results in the suspension or revocation of the instructor's motor vehicle operator's license will constitute grounds for the suspension of the instructor's permit.
- (34) The commercial driver training school shall notify the Department immediately in writing of any reportable accident involving a school vehicle or any of its instructors, or of any charge made against an instructor of the school as a result of a violation of the motor vehicle laws.
- (45) The Department may impose a monetary fine in addition to, or in lieu of, suspension or revocation of a license for any violation of Georgia law or the regulations governing commercial driver training schools.
- (5) A commercial driver training school and/or instructor may appeal any action taken in accordance with this rule pursuant to Ga. Comp. R. & Regs. R. 375-1-1-.06.

**Authority: O.C.G.A. §§ 43-13-7, 43-13-8.**

## **SYNOPSIS**

### **STATEMENT OF PURPOSE AND MAIN FEATURES OF PROPOSED RULE**

The purpose of this amendment is to update and reference the new single appeal rule where all applicable procedures can be found.

### **DIFFERENCE BETWEEN EXISTING AND PROPOSED RULES**

This proposed amendment removes paragraph (1) because it is not procedurally accurate and to align with unification of all hearing procedures under one rule. A reference to the new single appeal rule, Ga. Comp. R. & Regs. R. 375-1-1-.06 is added. The rule title is also updated to reflect to what this rule is referring.